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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,804	02/15/2001	Charles Benjamin Dieterich	SAR12080A	3137
28166	7590	08/18/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN, LLP /SARNOFF CORPORATION 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			NGUYEN, PHUONGCHAU BA	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,804

Applicant(s)

DIETERICH ET AL.

Examiner

Phuongchau Ba Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-15-01 amendment.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 20, 21, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 18-19, 22, 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding the method claimed, claim 20 is vague and indefinite because it is not clear what is meant by "comparing said time base information to detect transport rate jitter". Claim 20 is failed to show what would be compared to the time base information to detect transport rate jitter, thus it is indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2665

4. Claims 16, 20, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Burton (5,694,397).

Burton discloses an cell buffer 38 for receiving input cells, a header processor 40 for extracting time base information RTS, and a comparator 52 for determining the difference (transport rate jitter) between the local RTS value 51 and the source RTS value 41 extracted from packets {fig.3, col.3, lines 42-65, & abstract).

5. Claims 16-17, 20, 24 and 21, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (5,535,216).

-As claims 20 & 24, Goldman discloses a buffer (random access memory 850) for receiving the plurality of packets (bit stream), a transport controller 800 for extracting a plurality of time base information (PCRs 260) from said plurality of packets (bit stream 200) and comparing the extracted time base information (PCRs) with the local reference clock to determine the transport rate jitter (col.5, lines 18-24; fig.8; col.7, lines 17-37).

-As claims 21 & 25, Goldman further discloses the transport controller 800 (extracting means) computing a difference (normalize local base clock reference, col.7, lines 10-11) between a current recorded PCR value and a last recorded PCR (col.7, lines 14-15), and computing a difference (delta clock reference, col.7, line 23) between a current PCR value and a last PCR value (col.7, lines 17-26).

Claim Rejections - 35 USC § 103

Art Unit: 2665

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17, 21, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (5,694,397) in view Cloutier (5,790,543).

Burton does not explicitly disclose wherein the extracting means computes a difference between a current recorded program clock reference (PCR) value and a last PCR value, and computes a difference between a current PCR and a last PCR value.

However, in the same field of endeavor, Cloutier discloses wherein the extracting means 22 computes a difference between a current recorded program clock reference (PCR) value and a last PCR value, and computes a difference between a current PCR and a last PCR value (abstract, lines 4-16; col.9, line 62-col.10, line 67). Therefore, it would have been obvious to an artisan to apply Cloutier's teaching to Burton's system with the motivation being to eliminate the jitter from the MPEG stream caused by cell delay variation.

8. Claims 17, 21, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (5,694,397) in view Nagai (5,394,395).

Burton does not explicitly disclose wherein the extracting means computes a difference between a current recorded program clock reference (PCR) value and a last PCR value, and computes a difference between a current PCR and a last PCR value.

Art Unit: 2665

However, in the same field of endeavor, Nagai discloses wherein the extracting means (fig.1) computes a difference (output signal ce, col.2, lines 43-44) between a current recorded program clock reference (PCR) value and a last PCR value, and computes a difference between a current PCR and a last PCR value {col.1, lines 39-44; col.2, lines 43-44, 55-59}. Therefore, it would have been obvious to an artisan to apply Nagai's teaching to Burton's system with the motivation being to eliminate the delay and fluctuation occur in propagation of cells.

Allowable Subject Matter

9. Claims 18-19, 22-23, 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday 10:00AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuongchau Ba Nguyen
Examiner
Art Unit 2665

DUC HO
PRIMARY EXAMINER

Duch Ho
8-10-04